

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------|---|--|
| Applicant | : | Thomas J. Lochtefeld |
| App. No | : | 10/056,893 |
| Filed | : | January 24, 2002 |
| For | : | SURF TOY ACTION FIGURE AND SIMULATED SURFING GAME |
| Examiner | : | Raleigh W Chiu |
| Art Unit | : | 3711 |
| Conf # | : | 1766 |

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Light Wave, Ltd. ("Assignee") is the owner by assignment of the entire right, title and interest in the above-identified application by the terms of the assignment recorded at Reel 013173, Frame 0238. The undersigned is empowered to act on behalf of the Assignee.

Assignee represents that it is the owner by assignment of the entire right, title and interest in U.S. Patent Application No. 11/633,381, now U.S. Patent No. 7,401,786, by the terms of the assignment recorded at Reel 018666, Frame 0258. Notably, U.S. Patent No. 7,401,786 is a continuation of the above-identified application.

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 7,401,786, pursuant to 37 C.F.R. 1.321(b), and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 7,401,786. This agreement extends to any patent granted on the above-identified application and shall be binding on its successors or assigns.

Application No.: 10/056,893
Filing Date: January 24, 2002

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 7,401,786 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10/2/08

By: 
Glen L. Nuttall
Registration No. 46,188

6030159
100208